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Nov. 3

SEP 03 1998

CONCORD, N.H.

Dr. Hilton C. Bulley
Commissioner of Education
State House Annex

Dear Dr. Bulley:

You have inquired as to whether or not a school teacher who directs children under his supervision to place a portable safety sign in the middle of a highway near a school building might be subject to some liability in the event such child is injured by a passing automobile. It is my opinion that there is a possibility of liability in the circumstances.

Basically, the question is whether or not a school teacher in directing the child to place the safety sign in the street would be negligent. The child being subject to the control, supervision and disciplinary action of the teacher, during the school day, would ordinarily follow the direction of the teacher in placing the sign in the street. The teacher should consider the possibility of danger to the child. One could reasonably anticipate some possibility of harm to a child walking into a street or highway from passing motor vehicles. This being so, it is entirely possible it could be found that a teacher in directing a pupil to carry a safety sign into a highway, consequently putting the child in the dangerous position, is negligent in so doing.

Very truly yours,

Henry Dowst, Jr.,
Assistant Attorney General

HD:EM